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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
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December 8, 1993

Mr. Ken Payne, Manager  
Utah Fuel Company  
P. O. Box 719  
Helper, Utah 84526

Re: Subsidence Mitigation Plan, Coastal States Energy Company, Skyline Mine,  
ACT/007/005-93-O, Folder #3, Carbon County, Utah

Dear Mr. Payne:

The Division has completed a review of your amended plans for subsidence mitigation received on October 20, 1993. Although the submitted plans are considered acceptable they are not considered complete. Essentially, your plan does not fully disclose the mitigation to be used in the event of subsidence caused damage to renewable resource lands. The enclosed memo discusses the items that are lacking in your amendment. Please review it and provide a response which discusses all mitigation as required by R645-301-332. Your response must be received at the Division offices no later than January 7, 1994.

Thank you for your cooperation during the permitting process. Please call if you have any questions.

Sincerely,

Daron R. Haddock  
Permit Supervisor

Enclosure

cc: P. Baker  
J. Helfrich

SUBSMITL.SKY





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TO: File

THROUGH: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

DATE: December 3, 1993

RE: Burnout Creek Subsidence Mitigation Plan, Coastal States Energy and Skyline Coal Companies, Skyline Mines, Folder #2, ACT/007/005, Carbon County, Utah

## SUMMARY

By letter dated September 27, 1993, the Division requested that Skyline submit an amendment which discusses their plan to protect Burnout and Upper Huntington Creeks and to mitigate potential subsidence-caused damage. The Environmental Assessment (EA) prepared by the Forest Service includes some provisions which were not included in Skyline's response.

## ANALYSIS

The plan which was submitted in response to the September 27 letter contains notification and general damage repair decision mechanisms. Any partner (Utah Fuel, Forest Service, Intermountain Research Station) which detects noticeable damage to Burnout Creek will immediately notify the other partners. The Division will also be notified. Once notified, all partners will send at least one representative to an on-site meeting to be scheduled within three days. Division representatives may attend if they desire. Damage will be assessed, and all partners and the Division will decide on what measures will be taken to mitigate the damage. If action is needed, it will be undertaken within three days. The Forest Supervisor may require suspension of mining under unaffected portions of the creek which cannot be effectively mitigated.

The EA shows three primary components to the approved action. These are a hydrologic study of Burnout Creek during subsidence activity, on-site monitoring and mitigation for any subsidence-caused damage to the creek, and off-site mitigation. Only one of these, the on-site mitigation, is discussed in the amendment which Skyline submitted. The off-site mitigation was required by the Forest Service based on a worst-case scenario for fish spawning: complete loss of Burnout Creek for cutthroat trout spawning habitat. The hydrologic study was required because the effects of longwall mining under perennial streams



in this area are not known.

R645-301-332 requires that the plan include the mitigation measures proposed for subsidence-caused damage to renewable resource lands. The on-site mitigation was included in the proposed amendment, but the off-site mitigation for the worst-case scenario was not included. Skyline's plan for off-site mitigation is to provide alternative spawning habitat in an area which has been blocked to spawning fish, Boulger Creek above Boulger Reservoir. This assumes that Burnout Creek will be completely lost as fish habitat; however, Skyline is also providing on-site mitigation to protect or restore Burnout Creek should there be significant damage there. Because the required on-site mitigation would restore the stream, even though it might be lost as spawning habitat for a short period, the off-site mitigation might be properly called enhancement. Whether it is termed enhancement or mitigation, the off-site work would be within the requirements of the regulations to mitigate subsidence-caused damage to renewable resource lands or to use the best technology currently available to enhance wildlife habitat.

According to Ken Phippen of the Price office of the Division of Wildlife Resources (DWR), DWR has conceptually approved the designs for the fish passage structure proposed for Boulger Reservoir. The Forest Service and Skyline need to continue to work with DWR on the exact design.

The hydrologic study discussed in the EA appears to be outside of the scope of the regulations. It would provide valuable knowledge for future proposals to mine in the areas of perennial streams in Utah and elsewhere. Results from the study will probably be needed to evaluate future proposals to subside perennial streams. However, the current plan includes monitoring of the flow at several locations in Burnout Creek and water quality monitoring twice a year near the mouth of the creek.

Although it is not necessary to include the hydrologic study in the plan, the results will definitely need to be used to upgrade the PHC document.

## **RECOMMENDATIONS**

The reviewer recommends that Skyline include in their mining and reclamation plan the off-site mitigation or enhancement which should be performed at Boulger Reservoir to increase cutthroat trout spawning habitat in the area. Whether this is considered to be mitigation or enhancement, this work is felt to be within the requirements in the regulations to protect and enhance wildlife habitat using the best technology currently available.

It is recommended that the hydrologic study also be included in the plan, but since Skyline is already monitoring Burnout Creek, it should not be required. However, results from the study will definitely need to be included in the PHC.